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5 **BEFORE THE**
6 **BOARD OF REGISTERED NURSING**
7 **DEPARTMENT OF CONSUMER AFFAIRS**
8 **STATE OF CALIFORNIA**

9 In the Matter of the Accusation Against:

Case No. 2006-132

10 GLORI ANN BLANCHARD
11 a.k.a., GLORI ANN SNELLING
12 a.k.a., GLORI ANN PEREZ
13 26045 Sombras Court
14 Valencia, CA 91355

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

Registered Nursing License No. 541932

Respondent.

15 **FINDINGS OF FACT**

16 1. On or about February 9, 2006, Complainant Ruth Ann Terry, M.P.H.,
17 R.N., in her official capacity as the Executive Officer of the Board of Registered Nursing,
18 Department of Consumer Affairs (Board), filed Accusation No. 2006-132 against Glori Ann
19 Blanchard, also known as, Glori Ann Snelling, and Glori Ann Perez (Respondent) before the
20 Board.

21 2. On or about March 19, 1998, the Board issued Registered Nursing License
22 No. 541932 to Respondent. The Registered Nursing License expired on February 28, 2006, and
23 has not been renewed.

24 3. On or about February 27, 2006, Anna Carpenter, an employee of the
25 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.
26 2006-132, Statement to Respondent, Notice of Defense, Request for Discovery, and Government
27 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,
28 which was and is 26045 Sombras Court Valencia, CA 91355. A copy of the Accusation is

attached as exhibit A, and is incorporated herein by reference.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

5. On or about February 28th, 2006, the aforementioned documents were accepted and signed by Howard Blanchard at the aforementioned address. A copy of the postal returned documents are incorporated herein by reference.

6. Business and Professions Code section 118 states, in pertinent part:

"(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the license on any such ground."

7. Government Code section 11506 states, in pertinent part:

"(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

8. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2006-132.

9. California Government Code section 11520 states, in pertinent part:

"(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

10. Pursuant to its authority under Government Code section 11520, the Board

1 finds Respondent is in default. The Board will take action without further hearing and, based on
2 Respondent's express admissions by way of default and the evidence before it, finds that the
3 allegations in Accusation No. 2006-132 are true.

4 11. The total costs for investigation and enforcement are \$2,321.50 as of June
5 7, 2006.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Glori Ann Blanchard,
8 also known as, Glori Ann Snelling, and Glori Ann Perez has subjected her Registered Nursing
9 License No. 541932 to discipline.

10 2. The agency has jurisdiction to adjudicate this case by default.

11 3. The Board is authorized to revoke Respondent's Registered Nursing
12 License based upon the following violations alleged in the Accusation:

13 a. Business and Professions Code section 2761, subdivision (a) -
14 conviction of a crime substantially related to the qualifications, functions, and duties of a
15 registered nurse.

16 b. Business and Professions Code section 2761, subdivision (a) -
17 unprofessional conduct as defined in section 2762, subdivision (a) for violating Health
18 and Safety Code sections 11173, subdivision (a), and 11350, - unlawful procurement and
19 possession of controlled substances.

20 c. Business and Professions Code section 2761, subdivision (a) -
21 unprofessional conduct as defined in section 2762, subdivision (b), the taking and self-
22 administration of a controlled substance.

23 ORDER

24 IT IS SO ORDERED that Registered Nursing License No. 541932, heretofore
25 issued to Respondent Glori Ann Blanchard, also known as, Glori Ann Snelling, and Glori Ann
26 Perez is revoked.

27 Pursuant to Government Code section 11520, subdivision (c), Respondent may
28 serve a written motion requesting that the Decision be vacated and stating the grounds relied on

1 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
2 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
3 statute.

4 This Decision shall become effective on November 20, 2006.

5 It is so ORDERED October 20, 2006

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7 *LaTrancine W Tate*

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9 FOR THE BOARD OF REGISTERED NURSING
10 DEPARTMENT OF CONSUMER AFFAIRS

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25 Attachments:

26 Exhibit A: Accusation No.2006-132

27 DOJ docket number:03579110-LA2005501651

BlanchardGA_Default.wpd

28 MAC (08/08/2006)

Exhibit A

Accusation No. 2006-132

1 BILL LOCKYER, Attorney General
of the State of California
2 MICHAEL A. CACCIOTTI, State Bar No. 129533
Deputy Attorney General
3 California Department of Justice
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6 Attorneys for Complainant

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2006-132

11 GLORI ANN BLANCHARD
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26045 Sombras Court
13 Valencia, CA 91355

ACCUSATION

14 Registered Nursing License No. 541932

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N., Executive Officer (Complainant) brings
20 this Accusation solely in her official capacity as the Executive Officer of the Board of Registered
21 Nursing (Board), Department of Consumer Affairs.

22 2. On or about March 19, 1998, the Board issued Registered Nursing License
23 No. 541932 to Glori Ann Blanchard, also known as, Glori Ann Snelling, and Glori Ann Perez
24 (Respondent). The Registered Nursing License was in full force and effect at all times relevant
25 to the charges brought herein and will expire on February 28, 2006, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board, under the authority of the

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1 following laws. All section references are to the Business and Professions Code unless otherwise
2 indicated.

3 4. Section 2750 states, in pertinent part:

4 "Every certificate holder or licensee, including licensees holding temporary
5 licenses, or licensees holding licenses placed in an inactive status, may be disciplined as provided
6 in this article [article 3, commencing with section 2750]. As used in this article, 'license' includes
7 certificate, registration, or any other authorization to engage in the practice regulated by this
8 chapter [chapter 6, commencing with section 2700]."

9 5. Section 2761 states:

10 "The board may take disciplinary action against a certified or licensed nurse or
11 deny an application for a certificate or license for any of the following:

12 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

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14 "(f) Conviction of a felony or of any offense substantially related to the
15 qualifications, functions, and duties of a registered nurse, in which event the record of the
16 conviction shall be conclusive evidence thereof."

17 6. Section 2762 states:

18 "In addition to other acts constituting unprofessional conduct within the meaning
19 of this chapter [chapter 6, commencing with section 2700], it is unprofessional conduct for a
20 person licensed under this chapter to do any of the following:

21 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a
22 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish
23 or administer to another, any controlled substance as defined in Division 10 (commencing with
24 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
25 defined in Section 4022.

26 "(b) Use any controlled substance as defined in Division 10 (commencing with
27 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
28 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or

1 injurious to himself or herself, any other person, or the public or to the extent that such use
2 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
3 license."

4 7. Section 2764 states:

5 "The lapsing or suspension of a license by operation of law or by order or decision
6 of the board or a court of law, or the voluntary suspension of a license by a licentiate shall not
7 deprive the board of jurisdiction to proceed with any investigation of or disciplinary proceeding
8 against such license, or to render a decision suspending or revoking such license."

9 8. Section 490 states:

10 "A board may suspend or revoke a license on the ground that the licensee has
11 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or
12 duties of the business or profession for which the license was issued. A conviction within the
13 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo
14 contendere. Any action which a board is permitted to take following the establishment of a
15 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
16 been affirmed on appeal, or when an order granting probation is made suspending the imposition
17 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
18 Penal Code."

19 9. Health and Safety Code section 11173 states:

20 "(a) No person shall obtain or attempt to obtain controlled substances, or procure
21 or attempt to procure the administration of or prescription for controlled substances, (1) by fraud,
22 deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

23 "(b) No person shall make a false statement in any prescription, order, report, or
24 record, required by this division."

25 10. Health and Safety Code section 11350 states:

26 "Except as otherwise provided in this division, every person who possesses (1)
27 any controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of
28 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or

1 specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section
2 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic
3 drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian
4 licensed to practice in this state, shall be punished by imprisonment in the state prison."

5 11. California Code of Regulations, title 16, section 1444 states:

6 "A conviction or act shall be considered to be substantially related to the
7 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the
8 present or potential unfitness of a registered nurse to practice in a manner consistent with the
9 public health, safety, or welfare."

10 12. Section 125.3, subdivision (a), states, in pertinent part:

11 "Except as otherwise provided by law, in any order issued in resolution of a
12 disciplinary proceeding before any board within the department . . . the board may request the
13 administrative law judge to direct a licentiate found to have committed a violation or violations
14 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
15 enforcement of the case."

16 13. CONTROLLED SUBSTANCES

17 A. "Dilaudid," is the brand name for Hydromorphone Hydrochloride, an
18 Opium derivative. It is a Schedule II controlled substance as designated by Health and Safety
19 Code section 11055, subdivision (b)(1)(k) and is categorized as a "dangerous drug" pursuant to
20 Business and Professions Code section 4022.

21 B. "Vicodin," is the brand name for Hydrocodone with Acetaminophen. It is
22 a Schedule III controlled substance, as designated by Health and Safety Code section 11056,
23 subdivision (e)(5) and is categorized as a "dangerous drug" pursuant to Business and Professions
24 Code section 4022.

25 FIRST CAUSE FOR DISCIPLINE

26 (Conviction of Substantially Related Crime)

27 14. Respondent is subject to disciplinary action under section 2761,
28 subdivision (f) and 490, as defined in California Code of Regulations, title 16, section 1444, in

1 that Respondent has been convicted of crime a substantially related to the qualifications,
2 functions or duties of a registered nurse, as follows:

3 A. On or about February 4, 2005, Respondent was convicted by the court on a
4 plea of nolo contendere for violating one count of Penal Code section 242 (battery), a
5 misdemeanor, in the Superior Court of California, County of Los Angeles, Santa Clarita Judicial
6 District, case entitled *People v. Glori Ann Blanchard*, Case No. 4NE02127.

7 B. The circumstances surrounding the conviction are that on or about July
8 27, 2004, Respondent struck her seven year old daughter several times with a licorice rope,
9 leaving red marks on the child's arms.

10 SECOND CAUSE FOR DISCIPLINE

11 (Obtained Controlled Substances by Fraud or Deceit)

12 15. Respondent's license is subject to disciplinary action under Business and
13 Professions Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as
14 defined in section 2762, subdivision (a), for violating Health and Safety Code sections 11173,
15 subdivision (a) and 11350, in that while employed as a registered nurse at HMNMH, Respondent
16 unlawfully obtained and possessed controlled substances, including but not necessarily limited to
17 Dilaudid and Vicodin.

18 THIRD CAUSE FOR DISCIPLINE

19 (Use of a Controlled Substance)

20 16. Respondent's license is subject to disciplinary action under Business and
21 Professions Code section 2761, subdivisions (a), for unprofessional conduct, as defined in
22 Business and Professions Code, section 2762, subdivision (b), in that while employed as a
23 registered nurse, at HMNMH, Respondent admitted to taking and self-administering a controlled
24 substance, as follows:

25 a. During an interview with a supervisor, on April 21, 2003, Respondent
26 admitted to taking and using several drugs from the hospital, including but not necessarily
27 limited to Dilaudid and Vicodin.

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c. On or about April 25, 2003, Respondent admitted that she had taken Dilaudid from HMNMH, for her own use, on about 25 to 50 occasions.